

MINUTES OF A MEETING OF THE BABERGH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON TUESDAY 25 MARCH 2014

PRESENT: Mr N A Ridley – Chairman

Dr M F M Bamford	Mr J A B Long
Mr S R Barrett	Mrs M O Munson
Mr A C Bavington	Mr M Newman
Mr P K Beer	Mrs A M Norman
Mr P D Burgoyne	Mr J M Nunn
Mrs S Carpendale	Mr A F D W Osborne
Mr J R Cartlidge	Mrs A K Pollard
Mr J R B Cave	Mr B Riley
Mrs K S Grandon	Mr C A Roberts
Mr A J Hinton	Mr D C Rose
Mr B D Hurren	Mr R C Smith
Ms J A Jenkins	Mr R W Thake
Mr P Jones	Mr A J Ward
Mr D H Keane	Mrs S M Wigglesworth
Mr R E Kemp	Mr D L Wood
Mr F R Lawrenson	Mr L H Young

The following Members were unable to be present:

Mrs J Antill, Mr C W Arthey, Mr N A Bennett, Mr D M Busby, Mr M J Deacon, Mr D G Grutchfield, Miss D L Kendall, Mr N MacMaster, Mr J M Owen and Mr J R A Sayers.

57 DECLARATION OF INTERESTS

None declared.

58 PETITIONS

None received.

59 MEMBERS' ALLOWANCES SCHEME – REPORT OF THE INDEPENDENT REMUNERATION PANEL (IRP) TO BABERGH DISTRICT COUNCIL

The Head of Corporate Organisation introduced [Paper N122](#) to enable Members to consider the report and recommendations of the Independent Remuneration Panel (IRP), following its recent Review of the current Allowances Schemes of both Councils. He reported that Mid Suffolk District Council had accepted the recommendations of the IRP, other than the payment of only one Special Responsibility Allowance (SRA) per Councillor, and had agreed that the new Scheme would be effective from the date of the 2014 Annual Council meeting. Members were also advised that Mid Suffolk wished to remove the roles of Vice Chairmen of Joint Committees (recommendation 2.3 of [Paper N122](#) refers).

The report of the IRP was appended to [Paper N122](#) and the Panel's recommendations were incorporated in the covering report, together with consequential recommendations arising from the Review. Prior to the day of the meeting, Members were advised of suggested revisions to the IRP recommendations contained in 2.1(g) (i) and (l) to reflect recent discussions with group leaders, and to include some minor corrections.

The Leader of the Council, Jennie Jenkins, proposed recommendations 2.1(a) to (j) and (l) to (q), with the revisions referred to above, and 2.2 of [Paper N122](#), together with a suggested wording for the matter referred to in recommendation 2.3. The revised wordings for 2.1(g) (i) and (l) and 2.3 are set out below.

2.1(g)

That the multiple of the Basic Allowance for the SRAs for the Chairman of Strategy Committee (who shall also be Leader of the Council), Vice Chairman of the Council, Chairman of Planning and Chairman of Regulatory remains unchanged.
(minor corrections to reflect the intention of the IRP's recommendation)

2.1(i)

That the proposed Deputy Leader role and Vice Chairman of Strategy Committee role each receives an SRA of 1.0 of the Basic Allowance (£4,000).

Note:

Council on 27 September 2013 agreed that the Deputy Leader role would not proceed at this time.

2.1(l)

That the SRA for the role of political group leader be set at 0.188 of the Basic Allowance (£750).

2.3

That the roles of Vice Chairman of Joint Committees be retained, notwithstanding that no SRA has been recommended by the IRP. Further, that no SRA be payable for these roles.

The recommendations proposed as above (ie with the exception of 2.1(k)) were seconded. The Chairman then invited Councillor Peter Jones to propose an alternative to recommendation 2.1(k) which was duly seconded by Councillor Frank Lawrenson as follows:-

2.1(k)

That the SRA for individual members of the Planning Committee be continued and be set at 0.1 of the Basic Allowance (£400).

During the course of the ensuing debate, the Head of Corporate Organisation responded to Members' questions about the review process. He confirmed that the IRP members were satisfied with the information provided to them in relation to the scope of the current review, which was primarily to reflect and accommodate the structural and other changes arising from the recent Governance Review and the new shared services environment, but was not looking at the representational role on outside partnerships and bodies at this time.

Members were aware that the Council must have regard to the recommendations of the IRP but is not obliged to accept the Panel's report in its entirety. The Council could therefore consider amended wordings.

Arising from the discussion on whether there should be an SRA for Planning Committee Members, it was suggested that the payment of an SRA should be restricted to the forthcoming year, 2014/15, to enable this to be reviewed by the new Council in May 2015, but the seconder of the original motion was not prepared to include this provision in the proposal. After further debate, the IRP's recommendation on this aspect was rejected and the alternative proposal on being put to the vote was carried, for the reason set out below:-

2.1(k)

in recognition of the workload and training requirements for Planning Committee members.

After further discussion, Members accepted the remaining IRP recommendations with the exception of 2.1(i) and (l) which were rejected for the reasons summarised below:-

2.1(i)

to reflect the Babergh practice to appoint a Vice-Chairman of Strategy Committee and the Council decision of 27 September 2013 that the Deputy Leader role should not proceed at this time in the context of a no overall control position with no single majority administration in place

2.1(l)

to reflect more closely the importance of the political group leader role in the 'No Overall Control' position at Babergh.

Members accepted recommendation 2.2 in [Paper N122](#) and the revised recommendation 2.3. A start date for the new Scheme of 22 April 2014 was agreed.

RESOLVED

(1) That having taken into account the recommendations of the Independent Remuneration Panel arising from its Review of the current Members' Allowances Scheme, the Council resolved as follows:-

- (a) That the Basic Allowance be set at £4,000 in recognition of the role for all Members of the Council in informal policy development work (e.g. task and finish groups) and the changing locality role (e.g. community engagement programme).**
- (b) That the Special Responsibility Allowance (SRA) for the Joint Chairman role for the Committees discharging the overview and scrutiny functions for the Council (Joint Audit and Standards, and Joint Scrutiny) be set at 0.5 of the Basic Allowance (£2,000).**
- (c) That no SRA be set for the Vice Chairman roles for the Joint or council-specific Audit and Scrutiny Committees.**

- (d) That no SRA be set for the Chairman role of the other Joint Committees (Joint Appointment, Joint Health and Safety and Joint Staff Consultation).**
- (e) That in the event of the Council establishing formal Task Groups / Panels, no SRA is proposed.**
- (f) That the new Babergh Lead Member role SRA be set at 0.5 of the Basic Allowance (£2,000).**
- (g) That the multiple of the Basic Allowance for the SRAs for the Chairman of Strategy Committee (who shall also be Leader of the Council), Vice Chairman of the Council, Chairman of Planning and Chairman of Regulatory remains unchanged.**
- (h) That the SRA for the Vice Chairmen of Planning and Regulatory Committees be set at 0.25 of the Basic Allowance (£1,000).**
- (i) That the proposed Deputy Leader role and Vice-Chairman of Strategy Committee role each receive an SRA of 1.0 of the Basic Allowance (£4,000).**

Note:

Council on 27 September 2013 agreed that the Deputy Leader role would not proceed at this time.

- (j) That the Chairman of the Council SRA be set at 1.00 of the Basic Allowance (£4,000).**
- (k) That the SRA for individual members of the Planning Committee be continued and be set at 0.1 of the Basic Allowance (£400).**
- (l) That the SRA for the role of political group leader be set at 0.188 of the Basic Allowance (£750).**
- (m) That the core principle is retained, that all SRAs are determined as multiples of the Basic Allowance. Further, that the practice of paying only one SRA per Councillor (the larger / largest if two or more appointments are made) be adopted.**
- (n) That, putting aside the arrangements for Travel and Subsistence allowances below, no provision be made for annual or periodic indexation of inflation-linked reviews of allowances.**
- (o) That Travel and Subsistence Allowances (with the exception of overnight absences) continue to be paid to accord with the rates payable to Council employees from time to time.**
- (p) That the Childcare / Dependants' Carers' allowances are set at £11.00 per hour and £13.00 per hour respectively.**
- (q) That the new Scheme shall commence from the 22 April 2014, being the date of the Annual Council meeting.**

- (2) That a Members' Allowances Scheme incorporating the provisions as agreed by the Council under recommendation (1) above be prepared by the Monitoring Officer. Further, that the Monitoring Officer be authorised to make any typographical and other minor / consequential amendments prior to publication of the final Scheme.
- (3) That the roles of Vice Chairmen of Joint Committees be retained, notwithstanding the recommendation of the IRP, and the decision in (1)(c) above that no SRA be payable for these roles.

60 RECOMMENDATIONS ON CONSTITUTIONAL CHANGE

Mr R W Thake, a member of the Joint Constitutional Review Work Group (JCWG) introduced [Paper N123](#) which contained the recommendations of the Group for revised terms of reference and other changes to the Council's Constitution, following on from the adoption of the new Committee Structure in April 2013. At the request of the JCWG, Members had before them the complete Constitution document (Appendix (b) to the report) to enable them to see the context of the changes as a whole.

The Corporate Manager – Governance explained that prior to consideration of the recommendations in 2.2 to 2.5 of [Paper N123](#), it was necessary to suspend the relevant Council Procedure Rule to enable the proposals to be discussed (para 8.9 of the report refers). Recommendation 2.1 of the report was therefore moved, and carried on being put to the vote.

RESOLVED

That Council Procedure Rule (CPR) 28.2, whereby any motion to add to, vary or revoke the CPRs shall stand adjourned without discussion to the next meeting, be suspended for the duration of the meeting in accordance with CPR 28.1.

The Corporate Manager also explained the main changes proposed (a summary of which had been circulated to Members prior to the day of the meeting) and responded to questions about the introduction of the Public Participation provisions at Babergh. A copy of the summary is attached to these Minutes.

Members were aware that the provisions of Babergh's Constitution were being aligned as far as possible with those of Mid Suffolk's, and noted the extent of the further work which is under way as well as the considerable amount of work which had been carried out to date. It was agreed that corresponding numbering of the two documents wherever this could be achieved would be helpful.

RESOLVED

- (1) That the revised Babergh and Mid Suffolk Committee Structure be approved as contained in Appendix (a) to [Paper N123](#), including the following changes to the structure previously approved in April 2013:

- (a) The addition of a Licensing Act 2003 Committee (and Sub-Committees) (Terms of Reference as shown in Part 3 of Appendix (b) to the report), the numbers serving and the Membership of which shall be the same as the Regulatory Committee.
 - (b) The change of name of the Licensing and Appeals Committee to the Regulatory Sub-Committee.
 - (c) The deletion of the Joint Waste Board.
- (2) That the revised Constitution attached as Appendix (b) to [Paper N123](#) be adopted with effect from the Annual Council meeting in April 2014, including Terms of Reference of Committees and Council Procedure Rules.
- (3) That it be noted that further work will be undertaken by the JCWG on the Budget and Policy Framework Procedure Rules, Financial Regulations and Procedures, Procurement and Contract Procedure Rules, the Planning Protocol and Procedures and Responses to Consultation and a report submitted to Council, through the JCWG, in due course. Further, that in the meantime, the existing procedures remain in place.
- (4) That the Monitoring Officer be authorised to make any typographical and/or other minor changes together with any other consequential changes to the documents.

61 QUESTIONS FROM THE PUBLIC

None received.

62 QUESTIONS FROM MEMBERS

None received.

63 EXCLUSION OF PUBLIC (WHICH TERM INCLUDES THE PRESS)

RESOLVED

That, pursuant to Part 1 of Schedule 12A of the Local Government Act 1072, the public be excluded for the business specified below on the grounds that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information as indicated against the item.

The Council was also satisfied that the public interest in maintaining the exemption outweighed the public in disclosing the information.

64 ACTION OUT OF MEETING (Exempt information by virtue of Paragraph 3 of Part 1)

RESOLVED

That the urgent action taken by the Chief Executive in consultation with the Chairmen of Strategy Committee and Council under the delegated powers, as detailed in [Paper N124](#), be noted.

The business of the meeting was concluded at 2.10 p.m.

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Chairman

COUNCIL MEETING 25 MARCH – MINUTE NO 60 REFERS

RECOMMENDATIONS ON CONSTITUTIONAL CHANGE

Updates to Appendix (b) to Paper N123

General

Further work to be undertaken to: -

- ensure they are Council specific e.g. it refers to Strategy Committee and not Executive.
- Page numbering and contents align
- Latest post titles are used
- Correcting any errors

Members of the JCWG undertook the review and agreed, at an early stage, that the Constitutions should be aligned as far as possible. The versions submitted to Council have been aligned, and in a number of areas the existing Constitutions have had minor amendments/updates/deletions to allow this.

Updates / changes BDC Members should be aware of are:-

BABERGH DISTRICT COUNCIL – UPDATES AND CHANGES

Page(s)	Comments
5-7	Summary and Explanation aligned – they were very similar.
9 – 36	Articles – these have also been aligned – they were very similar. Role descriptions removed.
13	Policy Framework under paragraph 4.1 to reflect recent legislation / guidance e.g. delete Best Value.
14	(5) Vice Chairmen of Committees to be appointed by Council – currently done at first meeting of that Committee.
19	Delete paragraph 6.3.1 – Policy Development now included under paragraph 11.6 on page 32 in line with decision of Council in April 2013.
22/26	Joint Standards Board previously agreed and now inserted. Previous Article 9 removed – Area Committees and Forums – this was never used.
29	Management Structure – Posts and functions updated to reflect latest structure.
32/33	Policy Review and Development included at Para 11.6.

Page(s)	Comments
35	Monitoring Officer to monitor and review the Constitution (previously O and S Stewardship). May do so after consulting a Working Group of Members.
39 – 62	<p>Terms of Reference of Committees. Previous ones agreed were Joint Scrutiny and Joint Audit and Standards. The number of Members serving on each Committee and the substitute rules were also previously agreed.</p> <p>The inclusion of a Licensing Act 2003 Committee (and sub-committee) to consider policy issues on licensing and a licensing sub- committee which will determine hearings.</p> <p>The Regulatory Committee will consider policy issues on other relevant legislation and the Regulatory Sub Committee will determine hearings (Taxis and General matters)</p>
63 – 75	Scheme of Delegation previously agreed with the exception on Page 65 “Responses to Consultation”. Heads of Service will be authorised to submit responses unless the Strategic Director (Corporate) feels they are of sufficient significance that they be referred to Committee.
76 – 96	Rules of procedures Minor tweaking of wording to align Constitutions – and clarity over timings – clear working days.
82	Rule 5.3 (c) Substitutes – must be notified by 1pm on the previous working day before the meeting.
84	Rule 13 New “aligned” petition scheme introduced. Previous requirement to have e-petitions has been removed. New scheme on page 251.
87	Rule 16.3 is new – notice of motion to stand referred to committee – but Chairman has discretion to deal with it at meeting.
97– 100	Access to Information Rules - No change.
100 – 101	Budget and Policy Framework -To be updated by Finance Officers.
102 - 134	<p>Scrutiny Procedure Rules – these have been aligned and take into an account new joint structure.</p> <p>Call-in by 4 members (not Strategy) – previously 5 Overview and Scrutiny Members.</p>
135 – 196	Financial Regulations - To be updated by to reflect the new operational model and changes in accounting practices.
197 – 207	Contracts and Procurement - To be updated to reflect new operational model.
209 – 215	Suffolk Local Code of Conduct for Members - No change.

Page(s)	Comments
216 – 225	Planning Procedure - To be updated by Planning Officers in liaison with Member Group.
226 - 239 (part)	Code of conduct for employees - To be updated by relevant Officers.
240 - 250	Member Allowances - To be updated and aligned where appropriate.
251 - 255	Proposed new petitions scheme.
256 – 258	Public participation at meetings of Council. This is new – needs to be changed to relate to BDC.
259 – 282	Compliments, Comments and Complaints - Recently adopted and now inserted.
283-285	Whistle blowing Policy – No Change

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